

ENTERED

August 30, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALLAN LASLEY, *et al*,

Plaintiffs,

VS.

ACADEMY LTD; dba ACADEMY SPORTS
& OUTDOORS,

Defendant.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:18-CV-347

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Plaintiffs' Motion for Certification and for Approval and Facilitated Notice to Similarly Situated Employees (Doc. No. 69); Magistrate Judge Stacy's Memorandum and Recommendation (Doc. No. 105); Plaintiffs' Limited Objections to Memorandum and Recommendation (Regarding Notice Issues only) (Doc. No. 112); and, Defendant's Objections to the Magistrate Judge's Memorandum and Recommendation (Doc. No. 113).

The Court has reviewed the case, *de novo*, and agrees with the Magistrate Judge's conclusion that Plaintiffs' Motion should be granted. Nevertheless, it has also found that some of the parties objections have merit. Accordingly, it is hereby

ORDERED that Plaintiffs' Objections (Doc. No. 112) and Defendant's Objections (Doc. No. 113) are **OVERRULED** in part and granted in part; the Memorandum and Recommendation (Doc. 105) is **ADOPTED**. It is further

ORDERED that Plaintiffs' Motion for Certification and for Approval and Facilitated Notice to Similarly Situated Employees (Doc. No. 69) is **GRANTED** as per the Magistrate Judge's Memorandum and Recommendation with the following exceptions:

1. The temporal scope of the notice to putative class members of the Magistrate's Order is hereby changed to begin on April 19, 2016.

2. The Court overrules Plaintiffs' request for reminder notices but holds that the opt-in period for putative class members remains 90 days because the schedule set out in paragraph 3 might take place during the holiday season.

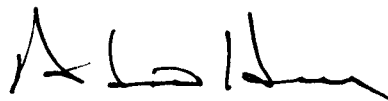
3. No action implementing this process shall take place prior to November 22, 2019. If prior to that date the Court grants the Defendant's pending motions for summary judgment, the Defendant is hereby given leave to file a motion for reconsideration with regard to the notification process. That motion shall be filed within ten days of this Court's ruling. Plaintiffs shall have ten days to respond to the motion. The notification process is automatically stayed until any such Motion for Reconsideration is ruled upon. If this Court has not entered a final order as to these motions for summary judgment by November 22, 2019, Plaintiffs may begin the process without further leave of Court. If this Court denies the summary judgment motions, Plaintiffs may initiate the process the following day without further leave of Court. To make it perfectly clear the deadlines put in place by this paragraph are triggered by an Order of the undersigned only.

4. All relief/objections not granted herein are denied.

In conclusion, the Court conditionally certifies as a class all current and former store managers employed by Academy at any time from April 19, 2016 through the entry of final judgment in this case; that a 90-day opt-in period is set; that the notice should be disseminated by

mail and email subject to the terms and conditions described above.

SIGNED at Houston, Texas, this August 28th day of August 2019.

A handwritten signature in black ink, appearing to read 'A. S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE